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Held at the Palais Wilson, Geneva, on Tuesday, 13 March 2018, at 10 a.m.

Chair: Mr. Iwasawa

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The meeting was called to order at 10.00 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Fourth periodic report of Guatemala (*continued*) (CCPR/C/GTM/4 and CCPR/C/GTM/QPR/4)

1. *At the invitation of the Chair, the delegation of Guatemala took places at the Committee table.*

2. **Mr. Borrayo Reyes** (Guatemala) said that the fact that his delegation included representatives from the highest levels of the executive, legislature and judiciary was an indication of the importance Guatemala attached to the International Covenant on Civil and Political Rights. Unfortunately, some elements of the Guatemalan media had chosen to focus only on the costs involved in sending such a delegation to Geneva rather than on the significance of its interaction with the Committee.

3. **Mr. Pineda Barales** (Guatemala) said that judges received training in the application of the international treaties to which Guatemala was a party, and sentences handed down by the courts were duly substantiated and motivated, in line with both domestic and international law. Guatemala had set up special courts and incorporated additional judges into existing courts in order to try cases of femicide and other forms of violence against women. In addition, there were five community courts, the members of which were elected by and representative of the indigenous communities they served.

4. General Efraín Ríos Montt was currently on trial for genocide, the first case of its kind to be held in Guatemala. With regard to the 45,000 persons who had disappeared during the internal armed conflict, although Guatemala had still not adopted bill No. 3590 on the establishment of a national commission to investigate their whereabouts, it did have habeas corpus legislation and special investigative procedures. Furthermore, all sentences against persons found guilty of offences involving torture included provision for monetary reparation for victims.

5. **Ms. Ochoa Escribá** (Guatemala) said that shortcomings in the current administrative structure of the Constitutional Court, particularly in its handling of writs of *amparo*, had been recognized and a five-year plan for the reform of the Court had recently been approved. Part of the solution to the problem was to simplify the process of submitting writs of *amparo* by removing some of the administrative procedures involved, also with a view to reducing the considerable backlog of cases currently before the Court. Between 2016 and 2018, the Constitutional Court had ruled on over 5,000 writs of *amparo*.

6. **Mr. Lau Quan** (Guatemala) said that the budget of the Office of the Human Rights Advocate depended upon the Congress of the Republic. At no time had that budget been held back, delayed or withdrawn. A number of bills were still awaiting approval from the relevant congressional commissions. They included bill No. 5376, which proposed legalizing abortion for girls who became pregnant as a result of abuse or violence; bill No. 5299, concerning writs of *amparo*; and bill No. 5377, which proposed amending the National Reconciliation Act. Bill No. 3590 on the establishment of a national commission to investigate the whereabouts of disappeared persons had gone through its second reading and was awaiting placement on the agenda for a plenary session of the Congress. Ratification of the International Convention for the Protection of All Persons from Enforced Disappearance was pending, and he hoped that it too would soon come before the plenary session of Congress. The appointment of members to the preventive mechanism envisaged under the Optional Protocol to the Convention against Torture was scheduled to take place on 15 March 2018.

7. **Ms. Teleguario Sincal** (Guatemala) said that the Inspectorate-General of Labour worked to ensure that labour regulations affecting domestic, agricultural and maquila workers were being duly implemented. During the previous year, the Inspectorate-General had undertaken around 26,500 inspections, which had benefited 629,418 workers. In addition, 885 visits had been carried out to monitor the implementation of Act No. 2989 on the Promotion and Development of Export and Maquila Activities, benefiting 111,703 workers. For the previous three years, the annual budget of the Inspectorate-General of Labour had

oscillated between 28 million and 31 million quetzales (Q), but that amount was expected to rise following the introduction of amendments to the Labour Code.

8. Labour inspections were carried out following a single unified protocol that had been developed with support from the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the International Labour Organization (ILO). In the specific context of the maquila industry, the Ministry of Labour worked with other ministries and State institutions to prevent the unlawful closure of factories and ensure that workers received due payment. Administrative sanctions had been introduced as part of the 2018 reforms to the Labour Code and, during the first two months of 2018, sanctions amounting to a total of around Q 1 million had been imposed.

9. **Ms. Contreras Mejía** (Guatemala) said that, in 2016, the Ministry of Labour and the Ministry for Foreign Affairs had run a campaign to warn Guatemalan migrant workers against fraudulent practices employed by recruiting agencies. As of March 2018, a register of private recruitment agencies would be created, thereby affording greater protection for workers' rights. In addition, the Ministry of Labour had set up a help desk for returning Guatemalan migrants with a view to facilitating their reintroduction into the labour market. In 2017, 224 returning Guatemalan migrants had followed training courses given by the "Instituto Técnico de Capacitación y Productividad" (Technical Institute of Training and Productivity).

10. The Social Welfare Secretariat of the Office of the President had a special department to deal with unaccompanied child migrants, particularly those returning from Mexico or the United States of America. Two shelters had been set up where the children could be accommodated and receive the psychosocial care they needed to reintegrate into their communities. The shelters had welcomed 8,403 children in 2016, 4,328 in 2017 and 1,128 to date in 2018. In cooperation with non-governmental organizations (NGOs), the State had also taken steps to help returning child migrants stay in their own families. A training centre called "Quédate" had been established, which sought to provide support, both to returning child migrants and to children who were at risk of migrating. In 2017, 381 children had been reincorporated into the school system, and 397 so far in 2018.

11. **Ms. Arévalo Flores de Corzantes** (Guatemala) said that the Constitution of Guatemala protected life from the moment of conception. Domestic law admitted only therapeutic abortions to save the life of the mother; otherwise abortion was an offence attracting up to 12 years' imprisonment under the Criminal Code. However, in the light of the fact that large numbers of girls became pregnant as a result of abuse, an initiative to change the law was currently before Congress.

12. **Mr. Figueroa Álvarez** (Guatemala) said that laws on universal and equitable access to family planning services included provision for emergency contraception. Such contraception was also available in cases of sexual abuse, along with antiretroviral treatment and antibiotics, as well as hepatitis B and tetanus vaccines. The conditions most frequently cited for accessing therapeutic abortions included cardiovascular problems, kidney failure, pulmonary tuberculosis and tumours. The patient's condition had to be corroborated by specialists before the abortion could go ahead. According to official statistics, 1,519 therapeutic abortions had been carried out in State-run health facilities in 2017. Media reports that the number of clandestine abortions was as high as 65,000 per year were inaccurate and uncorroborated. A letter of understanding had been signed by the Ministry of Health and the Ministry of Education to promote the sexual and reproductive health education of adolescents.

13. **Ms. Domínguez Sebastián** (Guatemala) said that 21 March had been recognized as the Day for the Elimination of Racial Discrimination, and 21–28 March as the Week of Solidarity with the Peoples Struggling against Racism and Racial Discrimination. As of 2018, ministries and other institutions of State were required to organize regular activities to highlight the importance of combating racism, and to make actions for the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination part of their annual planning.

14. On 4 November 2015, an event had been held in the presence of the Vice-President of the Republic, the director of the national OHCHR office, the Chair of the Committee on the Elimination of Racial Discrimination and leaders of Afrodescendent communities, to

mark the launch of a national plan to achieve the objectives of the United Nations Decade for People of African Descent. In addition, 26 November had been declared as the National Day of the Garifuna People and 25 July as the National Day of Garifuna Women, while Garifuna music and dance had been recognized as an intangible cultural heritage by the United Nations Educational, Scientific and Cultural Organization (UNESCO).

15. The Ministry of Culture and Sports had taken steps to recognize the presence of English-speaking ethnic groups of Indian, Chinese and African descent in the department of Izabal and the Organic Act on the Budget included categories for gender and indigenous peoples. In 2016, thanks to cooperation between the Presidential Commission on Discrimination and Racism and the Government of Mexico, the Mexican television series "Kipatla" had been transmitted on Guatemalan television. The series, which was directed at children, aimed to celebrate human diversity and to combat prejudices and stereotypes. The Secretariat against Sexual Violence, Exploitation and Trafficking in Persons had produced and disseminated material in 13 national languages.

16. **Ms. Véliz López** (Guatemala) said that the Public Prosecution Service had gender-focused protocols for processing the scenes of violent crimes against women. In cases of femicide, prosecutors followed special investigative methodologies, which had been designed to resolve such offences within a period of 72 hours. The Public Prosecution Service also had special protocols for dealing with victims of crime, for human trafficking, for direct and indirect child victims of crime, for children in conflict with the law, for victims of sexual offences and for persons with disabilities. An additional protocol was currently being drafted, which would focus on lesbian, gay, bisexual, transgender and intersex (LGBTI) persons who were victims of crime. In addition, the Lambda organization had held training sessions for staff of the Public Prosecution Service and other law enforcement officials to raise awareness about LGBTI issues.

17. **Mr. de Frouville** said that he noted with concern that members of the private security forces far outnumbered those working in the public security sector, that they were generally working informally and that they were all too often employed by security companies that circumvented regulations introduced to monitor their activities. In that light, he would welcome information about the responsibilities of the Directorate-General of Private Security Services, in particular how it monitored the operations of private security firms and how many visits it had conducted to company premises. He wished to know what accounted for the 37 per cent of private security companies that were reportedly operating outside the law, whether such companies faced penalties and, if so, how often penalties had been applied. In that connection, he was concerned at reports that many private security firms had links to State officials, which enabled them to escape penalty through corruption. If so, that might explain why the sector continued to grow and why the State seemed unable to provide effective oversight. He wondered whether there were plans to increase the capacities of the State with a view to increasing the security services provided and, thus, reducing the disproportionately high number of private security forces operating in the country. He asked what measures were in place to vet private security personnel at the recruitment stage; whether the delegation could provide data on, and specific examples of, persons whose employment had been rejected owing to past human rights violations or criminal activity; and what steps had been taken to punish human rights violations committed by private security personnel, including the number of investigations, prosecutions and convictions, the sentences handed down to perpetrators and the reparations provided to victims.

18. While he welcomed the fact that the Constitutional Court had adopted various decrees abolishing the death penalty for certain offences, he noted that the death penalty remained on the statute book. In that light, he wished to know the status of a bill submitted in 2016 to abolish the death penalty and invited the delegation to comment on reports that several attempts had been made to in fact reintroduce the death penalty, including through bills that contradicted the decrees of the Constitutional Court. He also wondered whether there was any truth to allegations that several high-level public officials had openly criticized the Constitutional Court decisions and defended the use of the death penalty and, if so, what impact those statements had had. Lastly, he asked whether the State party intended to ratify the Second Optional Protocol to the Covenant, aimed at the abolition of the death penalty.

19. **Ms. Abdo Rocholl** said that, regarding persons with disabilities, she wished to know whether the State party had established a system to monitor the application of the National Disability Policy adopted in 2012 and, if so, whether the delegation could provide information on its implementation, process indicators and results. She wondered whether the right to vote was guaranteed to persons with disabilities and, if so, what specific measures had been taken to encourage them to vote; whether the State party intended to amend current legislation relating to persons with disabilities, such as the Act on Services for Persons with Disabilities (Decree No. 135-96), in order to bring it into line with international standards; and whether there were plans to rapidly adopt other relevant bills currently awaiting approval. She was concerned at reports that institutionalized persons with disabilities were automatically deprived of their legal capacity and that persons with disabilities, in particular women and girls who had been victims of sexual abuse were subjected to forced sterilizations and abortions without their consent. She would be interested to know what efforts were being made or were envisaged by the State party to eliminate those practices; whether updated information on the number of prosecutions and convictions of medical and other public-sector staff for the physical or sexual abuse of patients could be provided; and whether any strategies were in place to help deinstitutionalize persons with disabilities. In that connection, she wondered whether an oversight mechanism was in place to monitor mental health or welfare institutions, including whether any visits were conducted by civil society. She invited the delegation to comment on reports that the measures taken to improve conditions in the Federico Mora National Mental Health Hospital had been limited exclusively to building refurbishments rather than to increasing the number of staff, improving medication and enhancing the quality of life of patients.

20. Regarding trafficking in persons, she noted that, according to paragraph 166 of the State party's report (CCPR/C/GTM/4), there had been just 51 convictions out of 2,454 reported cases. She wondered what accounted for such a low conviction rate and whether any updated data could be provided. Concerning the rights of indigenous peoples, she wished to know whether the proposed methodology for consultations with indigenous peoples, as described in paragraph 249 of the report, had been adopted for use in administrative, judicial and other areas; whether any related national guidelines were in place; and what measures had been taken to promote the participation of indigenous persons in decision-making posts. In that connection, she would be interested to hear an account of the context and consequences of the Supreme Court decision (Amparo 1552-2012) which denied the existence of indigenous jurisdiction. Lastly, the Committee had noted that states of emergency had been declared on a number of occasions to resolve social conflicts. How many times had states of emergency been applied between 2012 and 2016 and for what purpose?

21. **Ms. Brands Kehris** said that she was concerned that, despite the improvements indicated by the head of delegation in his opening statement, the already high rate of prison overcrowding was only worsening. Reports indicated that, while the overall overcrowding rate had been 328 per cent in 2017, several prisons had shown rates above 400 per cent and, in the case of El Boquerón prison, in excess of 600 per cent. In that light, she wished to know what measures were being taken or were envisaged to combat prison overcrowding, with details of any specific initiatives, their budgets and their deadlines. In particular, she would welcome information on the new penitentiary management model mentioned in the previous meeting, in particular whether it had been implemented at the women's centre in Fraijanes. She wondered whether plans by the Directorate-General of the Prison System to commute the sentences of prisoners who had served enough of their sentences had been implemented and, if so, what categories of offenders were involved; whether it was a one-time measure or ongoing; and whether any data regarding its impact could be provided. She noted that mention had been made in the opening statement to a bill to amend article 268 of the Code of Criminal Procedure, which dealt with the grounds for terminating imprisonment, and wondered whether more information could be provided on the proposed changes and the time frame envisaged for the bill's adoption. She would welcome data and information on the measures being taken to ensure that, in practice, persons deprived of liberty were consistently separated according to their gender, age and gravity of offence and that pretrial and convicted detainees were held separately.

22. The Committee was gravely concerned at the high levels of violence in prisons, which, over the past three years, had resulted in more than a hundred violent deaths. She wished to know what action had been taken or was envisaged to ensure the safety of detainees and, in particular, to address self-government in prisons controlled by organized gangs and combat the extortion rings run by such gangs. She wondered whether the early warning system for crises and emergencies in prisons, which was mentioned in paragraph 169 (e) of the State party's report, had been drafted and piloted and, if so, what the results had been. In 2017, rioting had occurred in a number of places of detention, including in the Las Gaviotas pretrial detention centre for juveniles, where a three-day-long riot had resulted in the deaths of, among others, three adolescents. She asked what measures had been taken to maintain control of such institutions; what protocols had been drawn up and training provided to staff on dealing with riots; what action had been taken to implement the precautionary measures of the Inter-American Court of Human Rights regarding the country's four juvenile detention centres; and whether there were any plans to reform or even close those centres. She would welcome information on the budget allocated and measures taken to improve the prison infrastructure, including an update on the status of the detention centres under construction. In that connection, she would appreciate updated information on the status of the ten-year National Prison Reform Policy adopted in 2015, in particular the measures taken and those envisaged for 2018, the total budget allocated to the Policy and the proportion of that budget so far used. She would also be interested to know what action had been taken to ensure access to health for persons deprived of liberty and to provide care for vulnerable groups, including women and lesbian, gay, bisexual, transgender and intersex (LGBTI) persons.

23. Persons held in pretrial detention accounted for between a third and, in the case of women detainees, up to half of all persons deprived of their liberty. She would welcome updated data on the number of people held in pretrial detention, disaggregated by age, gender and ethnic origin, as well as more information on the Telematic Surveillance Act, adopted in 2016, in particular whether the Act was in line with articles 9 and 10 of the Covenant; when it would be implemented; whether any forecasts had been conducted to determine the extent to which it would reduce the use of pretrial detention; and whether any other steps were being taken to ensure that pretrial detention was used only as an exceptional measure. The delegation should also comment on reported shortcomings in the processing of criminal cases, in particular the shortage of judges and public defenders, and on delays in releasing persons deprived of liberty even after they had served their sentence.

24. She would appreciate up-to-date information regarding the implementation of the National Policy on Prevention of Violence and Crime, Citizen Security and Harmonious Relations for the period 2014–2034, including the specific measures taken, the budget allocated and the results of any impact assessments concluded. She would also be interested to know what further activities were planned and the details of the associated funding. Notwithstanding a slight overall decline in the number of violent deaths in the State party in 2017, there had been an increase in the femicide rate. She wondered what reasons were underlying the number of violent deaths of women and whether the National Policy and other measures were being reviewed and adapted in that light.

25. The Committee was concerned at reports that, despite the efforts of the State party, the number of deaths through mob justice, or lynching, was increasing rather than decreasing, with 28 persons killed in that manner in 2017. She wished to know how many such cases had been investigated over the past five years, including the number of prosecutions and convictions and the types of sentences handed down; why there seemed to be an increase in mob justice; and what measures were being taken to combat the problem. She noted that efforts had been taken to seize firearms and ammunition and wished to know how many firearms there were among the general population at the present time; what impact the relevant legislation, regulations and policies were having; and whether any other initiatives were planned to reduce the prevalence of such weapons in society.

26. Violence against trade unionists had, since 2007, resulted in more than 70 homicides. She would appreciate information on the criminal proceedings so far conducted, with particular reference to the homicides they related to and the sentences handed down to perpetrators. She would also be interested to know how many cases of violence against trade

union members had been recorded in 2017 and invited the delegation to comment on allegations that harassment and violence of trade unionists by the private sector often had the backing of public officials. Lastly, she would appreciate responses to the questions she had raised in the previous meeting regarding the implementation of the National Reparations Programme.

27. **Mr. Santos Pais** said that he was concerned that 2010 data showed that there were just 6.7 judges per 100,000 inhabitants in Guatemala, the lowest rate in Central America. He wished to know how many judges there were in the State party at the present time, including their gender and their distribution in the different courts. Similar information should also be provided on public prosecutors. In that connection, he asked whether the term of the current Attorney General of the Republic, Thelma Aldana, which was due to expire in May 2018, was likely to be renewed. He wondered whether the delegation could provide an update on the status of constitutional reform of the justice system; what measures were envisaged to guarantee the independence of the judiciary and the Public Prosecution Service; and whether the State party intended to transfer responsibility for the appointment of judges from the Congress to an independent body, thus avoiding any suspicion of political interference. He would also welcome an update on the implementation of the Judicial Service Act and, in particular, whether the three remaining members of the Judicial Career Council had been appointed. He further asked how many of the 640 cases of threats and intimidation against judges and magistrates reported between 2002 and 2012 by the Inter-American Commission on Human Rights had been duly investigated, prosecuted and punished by the Unit for Prosecution of Crimes against Justice Officials.

28. Regarding children in conflict with the law, he requested data disaggregated by sex and age on the number of young persons in detention. The delegation was also invited to clarify the steps taken to ensure that young persons in conflict with the law were accommodated in suitable centres that facilitated their reintegration into society, particularly young persons from indigenous backgrounds. An update on the living arrangements of the children who had survived the fire at the Virgen de la Asunción shelter would also be welcome, including information on measures taken to offer them appropriate, alternative accommodation. Had new shelters been opened across the country to offer at-risk children protection in their local communities? Noting the high number of children being forced into work, he wondered what progress had been made to implement the road map for the elimination of child labour. He also wished to know what steps had been taken to facilitate the registration of births, particularly in rural areas and for parents in irregular situations.

29. Turning to the issue of gender equality, he asked what measures had been taken to combat discriminatory practices and prevent sexual harassment and abuse in the workplace. In the light of the establishment of the National Policy for Violence and Crime Prevention, Citizen Security and Peaceful Coexistence, he wished to know what efforts had been made to reduce the high military presence across the country and bring members of the military to account for violations of the law. Data on the number of investigations, prosecutions and sanctions handed down would be welcome in that regard. Lastly, he asked what steps had been taken to promote and support the work of local community radio stations, pursuant to the 1996 Guatemalan Peace Accords.

30. **Ms. Cleveland** asked the delegation to confirm whether the latest abortion bill decriminalized abortion for adolescent girls in cases of rape and provided for the provision of emergency contraception. Expressing concern at the violence, harassment and stigmatization facing human rights defenders and journalists, she wished to know what financial, human and material resources had been made available to the Unit for the Analysis of Attacks against Human Rights Defenders. She also wondered what progress had been made in establishing a programme aimed at protecting journalists and tackling the immunity afforded to perpetrators of acts of harassment and abuse against journalists and human rights defenders, particularly in rural areas. Concrete data on the number of cases investigated, prosecuted and sentences handed down would be particularly welcome. It would also be useful to know what impact the adoption of bills relating to NGOs, public order and combating terrorism would have on the activities of human rights defenders and what specific training had been provided to police officers, prosecutors and judges on the right to freedom of expression, association and assembly.

31. Turning to the issue of corruption, she expressed concern at the Government's attempts to weaken the Office of the Attorney General and the decision by the President to expel Mr. Velásquez, the head of the International Commission against Impunity. She wished to know what measures would be taken to guarantee the independence of the Attorney General and ensure that the current election process was not subject to corruption and political interference. She also requested further information on the steps taken to accelerate the legal process for corruption cases and ensure that justice was delivered in a timely fashion.

The meeting was suspended at 11.45 a.m. and resumed at noon.

32. **Mr. Pineda Barales** (Guatemala), responding to questions regarding prison overcrowding, said that judges made every effort to alleviate the situation and handed down alternative sentences wherever possible. Despite the difficulties facing the prison system, men, women and children continued to be held separately. The Government had plans to introduce the latest electronic and technical systems to improve surveillance of persons subject to alternative sentences to imprisonment. Financial and technical constraints however meant that such technology was not available in all areas of the country. In regard to prisoners being released in a timely fashion following the completion of their sentence, he stressed that prisoners could apply for early release as long as they demonstrated good behaviour and their intention to study or find work. As for the minors who had been involved in the conflict at the Gaviotas correctional centre, they had been transferred to other detention facilities.

33. The judiciary was fully impartial and independent. The remaining members of the Judicial Career Council had been appointed and the Council had become fully operational. It was responsible for the admission, transfer, promotion and performance evaluation of judges. To eradicate corruption, an online Government procurement portal had been established, which provided transparency in national tendering and purchasing processes. The election process for the Attorney General had been fair and conducted in a fully transparent manner. The commission responsible for nominating the chosen candidate comprised representatives from the Guatemalan Bar Association and deans of several national law faculties. The Organization of American States had also provided ongoing technical support throughout the process.

34. **Ms. Ochoa Escribá** (Guatemala) said that the Constitutional Court had declared the death penalty unconstitutional in line with the recommendation of the Inter-American Court of Human Rights. Its ruling had the de facto effect of abolishing the death penalty. The Constitutional Court had also recognized the legal jurisdiction of indigenous peoples and their world vision.

35. **Mr. Lau Quan** (Guatemala) said that the Government had tabled a bill seeking to abolish the death penalty. The bills on local community radio stations, abortion and the rights of persons with disabilities were also in the process of adoption. He confirmed that the bill on abortion would allow for termination of pregnancy in the case of rape of a minor. The bill to reform the Code of Criminal Procedure would limit pretrial detention to 1 year, with the aim of alleviating prison overcrowding.

36. **Ms. Véliz López** (Guatemala) said that 312 cases had been brought against private security services between 2010 and 2015. Between 2015 and 2017, 829 cases of offences against persons with disabilities had been reported and investigated, around 118 of which had resulted in convictions. There had been 2,454 cases of trafficking in persons reported between 2010 and 2015, some 51 of which had been investigated and punished. The Government had made specific efforts to tackle child pornography in recent years, which had resulted in 63 convictions. Between 2015 and 2018, some 2,581 women and 17,526 men had been held in pretrial detention. There had been 18 cases of lynching reported between 2015 and 2018. Between 2010 to 2018, some 9,700 firearms had been seized. The Government had been working with the Directorate-General of Arms and Ammunition Control to coordinate the registration and calculate the total number of firearms in the country.

37. The Attorney General would be completing her mandate in May 2018 and had decided not to stand for re-election. Her replacement would be selected according to a rigorous and transparent nomination procedure. As of 2018, some 41 per cent of prosecutors were women and 59 per cent men. Between 2014 and 2018, the number of women

prosecutors had increased by 3 per cent. Some 19 women (66 per cent) and 9 men (34 per cent) held decision-making positions in the Public Prosecutor's Office. Between 2015 and 2018, 33 girls and 1,943 boys with an average age of between 13 and 17 had been in conflict with the law. The Government had taken the necessary steps to ensure that pregnant girls or teenage mothers in conflict with the law had their sentences shortened or commuted into an alternative sentence, pursuant to the recommendation made by the Inter-American Court of Human Rights.

38. She said that 85 trade unionists had been killed between 2014 and 2017. The frequency of such events had decreased significantly since 2009. Four suspects had been detained in connection with the death of a journalist in 2017. In total, 21 convictions had been handed down for murders of trade unionists between 2007 and 2017. In all but one of those cases, the victim's trade union activities had not been the motive for murder. From 2014 to 2017, a total of 694 offences against human rights defenders and 408 offences against journalists had been reported and 96 sentences had been handed down for such offences.

39. **Ms. Teleguario Sincal** (Guatemala) said that the General Labour Inspectorate monitored private security companies to ensure their compliance with the Labour Code. Such companies were also monitored by the Ministry of Labour: in 2018, the Ministry had inspected 60 private security companies and had imposed sanctions on two of them for violations of workers' rights. Under the national employment policy, steps were being taken to promote inclusive employment, to increase the employability of persons with disabilities through the provision of training and to encourage entrepreneurship among such persons.

40. The methodological guide on the consultation of indigenous peoples, which had been adopted in June 2017, had been drafted in collaboration with more than 2,300 leaders of indigenous communities. A bill on the consultation process was to be discussed that day by the Congress. The Constitutional Court had ruled that the bill must be adopted by May 2018. Under a tripartite agreement signed in 2017 with representatives of workers and employers, the Government had undertaken to establish a national tripartite commission on labour relations and freedom of association and was drawing up new legislation in that area.

41. **Mr. González Patal** (Guatemala) said that the rights of indigenous communities were promoted by 31 entities, including central government departments, decentralized institutions and independent bodies. There was an annual budget for the provision of support to such communities. The Guatemalan Indigenous Peoples Development Fund was used to promote the economic, social, cultural and political rights of indigenous peoples throughout the country. The staff of the Fund included over 70 indigenous persons. Two new regional branches of the Fund had been set up in 2017. The president of the Fund's national board of directors was of Garifuna origin. In 2017, the Fund had provided 5.3 million quetzales (Q) to support productive projects in 66 indigenous communities.

42. **Ms. Contreras Mejía** (Guatemala) said that, following the fire at the Virgen de la Asunción children's home, the home had been shut down. The children who had been living there had been rehoused in institutions that were under the supervision of the Social Welfare Secretariat. Steps were being taken to provide psychosocial support for survivors of the fire and to promote deinstitutionalization by improving the foster care system. In addition, support had been provided to over 200 children who had been returned to their families.

43. The budget for the four juvenile detention centres amounted to approximately Q 37 million. Those centres were staffed by supervisors and multidisciplinary teams of professionals, including doctors and nutritionists. The Social Welfare Secretariat had taken measures to prevent riots in the centres: supervisors had been given additional training, protocols had been reviewed and updated and a new director of operations and logistics had been appointed. Various plans and projects were being implemented to reduce the number of juvenile detainees, to improve the living conditions in juvenile detention centres and to facilitate the reintegration of juvenile detainees into society.

44. The Social Welfare Secretariat had established a subsidy scheme to enable the deinstitutionalization of children and adolescents with disabilities who were in situations of poverty; over 1,800 subsidies had been awarded under that scheme in 2017. It was also working to improve the provision of specialized foster care for children with disabilities.

45. **Ms. Arévalo Flores de Corzantes** (Guatemala) said that, following the recent riot at Las Gaviotas juvenile detention centre, public defenders had been dispatched to provide information to the families of the adolescents concerned, to investigate the situation of those adolescents and to determine whether they had suffered injuries during the riot.

46. **Ms. de León Godínez** (Guatemala) said that the national policy for the advancement of women was being implemented through inter-institutional coordination at the highest level, in consultation with civil society organizations and women's organizations. In 2016, over Q 450 million had been invested in projects to support women. In 2017, the budget for such projects had increased to around Q 750 million. Local authorities had identified priority areas, such as health and sanitation, in which measures could be taken to improve the situation of women and the quality of local services. A specific methodology had been adopted to ensure that the necessary resources were provided for the effective implementation of the national policy for the advancement of women throughout the country. The national plan for the prevention of domestic violence and violence against women was being reviewed.

47. **Mr. Dávila Mejicanos** (Guatemala), summarizing the information provided in paragraphs 135 and 138 of his country's report, said that private security services were monitored by the Directorate-General of Private Security Services and the National Civil Police. A total of 184 private security companies had been granted authorization; 124 of those companies had been awarded a licence, while 60 of them operated under a ministerial agreement. There were 43,539 accredited private security guards.

48. A technical committee, composed of representatives of the Public Prosecution Service, the Ministry of the Interior and various other bodies, had been set up to combat the illegal provision of private security services. An operation had been conducted in May 2016 to shut down two illegal companies on the south coast. The three owners of those companies were being brought to trial. In 2012, the constitutionality of articles 67 (b) and 68 of Decree 52-2010, regulating private security services, had been challenged, but the claim had been dismissed by the Constitutional Court.

49. Seven army squadrons had been posted to the border areas to safeguard natural resources, protect State sovereignty and provide inter-institutional support. Any action taken by those squadrons to combat illegal immigration would be overseen by the Ministry of the Interior and carried out in coordination with the National Civil Police.

50. **Mr. Obregón Muñoz** (Guatemala) said that, under a new programme launched in 2017, conditional cash transfers were provided to support pregnant girls and mothers under the age of 14 who had suffered sexual abuse and whose cases had been brought to court. The programme had benefited 65 persons thus far.

51. **Mr. Figueroa Álvarez** (Guatemala) said that emergency contraception was available only in cases of rape. Between 2017 and 2018, the Federico Mora National Mental Health Hospital had gained an additional 70 staff members, including nurses, social workers and administrative personnel.

52. **Ms. Brands Kehris** said that it would be helpful if the State party could provide additional information within 48 hours on the National Reparations Programme and on the number of prosecutions and convictions for lynching.

53. **Ms. Abdo Rocholl** said that the State party's additional written replies should include information on efforts to ensure access to justice for indigenous communities through the provision of interpreters; steps taken to ensure access to property for those communities; and progress made with respect to the implementation of the Recommendations Monitoring System (SIMORE).

54. **Mr. de Frouville** said that he wondered what the Government hoped to achieve by submitting a bill on the abolition of the death penalty to Congress, given that the bill was likely to be rejected and the death penalty was, in practice, no longer used.

55. It would be helpful if the State party could explain the disparity between the statistics provided in the annexes to its report and those provided by the delegation regarding the number of sentences handed down for offences committed by private security agents.

56. **Mr. Borrayo Reyes** (Guatemala) said that he wished to highlight that the mandate of the International Commission against Impunity had been extended by two years. Although his country had made significant progress in the protection and promotion of the rights enshrined in the Covenant, it was aware that further challenges lay ahead. It would welcome the Committee's recommendations, which would, without a doubt, help the Government to further strengthen its protection of human rights.

57. **The Chair**, thanking the delegation for engaging in a rich and constructive dialogue, said that the Committee had raised concerns about a wide range of issues, including femicide and gender-based violence, pretrial detention and the treatment of indigenous peoples. He hoped that the dialogue and the Committee's concluding observations would help the State party to improve its implementation of the Covenant.

The meeting rose at 1 p.m.